IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2174 OF 1987

Hanuman Das Beheti. ...Plaintiff
V/s.
Seth Textiles Partnership Firm & Ors. ...Defendants

None for the plaintiff.
Mr. M.N. Jadhav i/b. Madhukar Haramwar for Defendants No.1 to 4.

CORAM : A.S. AGUIAR, J.
DATED : AUGUST 17, 2005

P.C. :-

. Mr.Jadhav appears for the defendants no.1 to 4. None for the plaintiff. It appears that no one has been appearing for the plaintiff for sometime. Earlier M/s.Ambubhai & Diwanji had filed appearance and also filed the suit. Firm is dissolved. It is not known who is representing the plaintiff.

2. It appears that an affidavit has been filed on 30th July, 2004 in Court by Defendant no.1 claiming that the matter has been settled amicably by the parties to the satisfaction of the plaintiff. Bill of Exchange dated 25th May, 1984 (Exhibit "A") with the endorsement of the plaintiff Hanumant Beheti stating that he has

received Rupees One lakh by cheque drawn on Punjab National Bank on 12th January, 2004 subject to realisation of the cheque. The said noting is dated 12th January, 2004. Since no one is representing the plaintiff, the authenticity of the said Affidavit cannot be ascertained.

3. However, in view of the fact that the plaintiff is not appearing in the matter, suit to stand dismissed for want of prosecution with no order as to costs. Defendants' Advocate to inform the plaintiff of this order. Suit to stand disposed of.

(A.S. Aguiar, J.)